

## Document Control

### Document Information

	Information
Organisation:	Wigan Council
Title:	Anti-Fraud, Bribery & Corruption Policy Statement & Strategy
Prepared by:	Internal Audit

### Document History

Version	Issue Date	Changes
1.0	Nov 2013	First Issue
2.0	Jan 2024	Reviewed & updated to reflect updated practices and guidance for schools

DRAFT

## St Luke's C of E Primary

# ANTI-FRAUD, BRIBERY AND CORRUPTION POLICY STATEMENT & STRATEGY

### 1. Introduction

- 1.1 **St Luke's C of E Primary** is determined to maintain its reputation as a school which will not tolerate fraud, bribery, corruption or abuse of position for personal gain, wherever it may be found in any area of school activity.
- 1.2 The purpose of this Policy Statement and Strategy document is to set out for Governors and staff members of **St Luke's C of E Primary** the main principles for countering fraud, bribery and corruption.
- 1.3 This Policy & Strategy Document includes:-
  - Definition of Fraud, Bribery & Corruption
  - The Scope of the Policy & Strategy document
  - Strategy Aims and Objectives
  - The culture and the stance against fraud and corruption
  - How to raise concerns
  - The action the school will take
  - School Responsibilities
- 1.4 Governing Body Members, and staff, should play a key role in counter-fraud initiatives. This includes providing a corporate framework within which counter-fraud arrangements will flourish, and the promotion of an anti-fraud culture across the whole of the school. This should provide a sound defence against internal and external abuse of public funds.
- 1.5 All schools come within the local authority external audit regime and part of the external auditor's statutory duties are to ensure that the Council and its schools has in place adequate arrangements for the prevention and detection of fraud and corruption.
- 1.6 The school's governance framework provides a range of high level component parts, which contribute to the school having an effective counter-fraud strategy. Key elements include:
  - This Anti-Fraud, Bribery & Corruption Policy Statement & Strategy which emphasises the importance of probity to all concerned
  - Governing Body support
  - The Codes of conduct for Governors and Staff Members
  - The "Whistleblowing" Policy
  - Standing Orders relating to Contracts and Financial Procedures including the Scheme of Financial Administration (SOFA) and the Financial Handbook for Schools

- Adherence to the Scheme for Financing Schools
- Sound internal control systems including an adequate 'Separation of Duties' for key transactions
- Accurate, complete and reliable records
- An effective Internal Audit service
- Effective recruitment procedures
- The school's Disciplinary Procedures
- Clear responsibilities, accountabilities and standards terms of reference and the Scheme of Delegation.
- Induction and training
- Sanctions and redress for non-compliance

## **2. Definitions of Fraud, Bribery & Corruption**

2.1 The Chartered Institute of Public Finance and Accountancy (CIPFA) defines Fraud as the

*“intentional distortion of financial statements or other records by persons internal or external to the organisation, which is carried out to conceal the misappropriation of assets or otherwise for gain.”*

The Fraud Act 2006 further defines fraud in three classes

- False representation
- Failure to disclose information where there is a legal duty to do so
- Abuse of position

2.2 CIPFA defines Corruption as the;

*“offering, giving, soliciting or acceptance of an inducement or reward which may improperly influence the action of any person.”*

2.3 The Theft Act 1968 defines theft as;

*“a person shall be guilty of theft if they dishonestly appropriates property belonging to another with the intention of permanently depriving the other of it.”*

2.4 CIPFA defines Bribery as;

*“an inducement or reward offered, promised or provided to gain personal, commercial, regulatory or contractual advantage.”*

2.5 The Bribery Act 2010 makes it possible for individuals to be convicted where they are deemed to have given their consent or tacit approval in giving or receiving a bribe. The Act also created the Corporate Offence of failing to prevent bribery on behalf of a commercial organisation (corporate liability). To protect itself against the corporate offence, the Act requires an organisation to have “adequate procedures” in place to prevent bribery.

### 3. Scope

- 3.1 This Policy & Strategy document applies to Governing Body members, the Headteacher and all staff (full time, part time, temporary and casual) who work for the school.
- 3.2 The Committee on Standards in Public Life (Nolan Committee) set out seven principles of public life which apply to all public office holders. The seven principles are:
- Honesty
  - Integrity
  - Selflessness
  - Objectivity
  - Openness
  - Accountability
  - Leadership

This policy reflects these key principles.

- 3.3 The school expects that individuals and organisations (e.g. partners, suppliers, contractors, and service providers) that it deals with will act with integrity and without thought or actions involving fraud, bribery and corruption.

Where relevant, the school will include appropriate clauses in its contracts about the consequences of fraud, bribery and corruption; evidence of such acts are most likely to lead to a termination of the particular contract and may lead to prosecution.

### 4. Strategy Aims and Objectives

Through this Strategy the aims and objectives are to:

- a. Protect the schools valuable resources by ensuring they are not lost through fraud but are used to provide quality services to the schools students;
- b. Create and promote a robust 'anti-fraud' culture across the schools which highlights the schools **zero tolerance** of fraud, corruption and theft;
- c. Ensure effective Counter Fraud systems and procedures are in place which:
  - Ensure that the resources dedicated to combatting fraud are sufficient and those involved are appropriately skilled;
  - Proactively deter, prevent and detect fraud, corruption and theft;
  - Investigate suspected or detected fraud, corruption and theft;
  - Enable the schools to apply appropriate sanctions and recover all losses; and
  - Provide recommendations to inform policy, system, risk management and internal control improvements, thereby reducing the schools exposure to fraudulent activity.
- d. Create an environment that enables the reporting of any genuine suspicions of fraudulent activity. However, the school will not tolerate malicious or vexatious allegations or those motivated by personal gain and, if proven, disciplinary or legal action may be taken
- e. Ensure the rights of people raising legitimate concerns are properly protected
- f. Work with partners and other investigative bodies to continuously improve the schools resiliency to fraud and corruption.

## **5. Culture and Stance Against Fraud & Corruption**

- 5.1 Responsibility for an anti-fraud culture in school is the duty of both the Governing Body and Senior Management Team. The strategy should be directed against fraud and corruption whether it is attempted against the school from outside or from within its own workforce.
- 5.2 The school expects that Governors and staff at all levels will lead by example in ensuring adherence to legal requirements, Standing Orders relating to contracts, the Scheme for Financing Schools, codes of conduct and best (professional) practice.
- 5.3 As part of this culture, the school will provide clear routes by which concerns can be raised by both Governors and staff, and those outside who are providing, using or paying for public services.
- 5.4 Senior Management is expected to deal swiftly and firmly with those who defraud the school or who are corrupt. The school, including Governors and senior management will be robust in dealing with financial malpractice.

## **6. Raising Concerns**

- 6.1 Although this document specifically refers to fraud and corruption, it equally applies to any form of misconduct that can reduce public confidence in the school, and may also include acts committed outside of official duties but which impact upon the school's trust in the individual concerned. Examples may include, the criminal acts of theft of "property", which includes all assets and cash; false accounting; obtaining by deception; pecuniary advantage by deception; computer abuse and computer crime.

Also, it includes bribery and corruption. Staff and Governors can be exposed to a number of "pressures", from external parties to act in a particular way in a particular case.

- 6.2 Governors and staff members are an important element in the school's stance on fraud, bribery and corruption, and they are positively encouraged and expected to raise any concerns that they may have on these issues where they are associated with the school's activity.
- 6.3 Staff members should normally raise concerns through their immediate manager (e.g Head of Key Stage or Department, a member of the Senior Management Team or the Headteacher), however it is recognised that they may feel inhibited in certain circumstances depending on the seriousness and sensitivity of the issue and who is thought to be involved in the malpractice.

In this case, staff members and Governors should contact the Chair of Governors, the Council's Internal Audit section, the Director for Children Services, or the Chief Executive of the Council.

The school's "**Whistleblowing**" Policy gives further guidance on how to raise concerns and it gives details about the support and safeguards that are available to those that do raise concerns.

## **7. Action the School Will Take**

- 7.1 All concerns will be treated in confidence and will be investigated promptly and fully in a professional manner, usually by the Councils Internal Audit Service, who should be notified of all allegations received. It should be noted that an allegation does not mean the individual person or company is guilty of any wrong-doing, and they will not be treated as such until the case is proven.
- 7.2 If fraud, bribery or corruption has taken place, the School in conjunction with the Council will, in appropriate cases
- prosecute the individual(s) or refer the case to the police
  - take appropriate disciplinary action where it involves an employee and this may lead to dismissal
  - pursue recovery for any financial loss
  - where appropriate the results of any action taken, including prosecutions will be reported in the media.
- 7.3 There is a need to ensure that the investigation process is not misused, therefore, any internal abuse such as raising malicious or vexatious allegations may be dealt with as a disciplinary matter.

## **8. School Responsibilities**

- 8.1 In accordance with section 48 of the School Standards and Framework Act 1998 the Local Authority is required to publish a Scheme for Financing Schools setting out the financial relationship between the Authority and the School. In 2012 the Department for Education issued a directed revision to the scheme requiring a section to be included on Fraud and the school's responsibilities.
- 8.2 The Scheme for Financing Schools states that:
- “All schools must have a robust system of controls to safeguard themselves against fraudulent or improper use of public money and assets. The governing body and head teacher must inform all staff of school policies and procedures related to fraud and theft, the controls in place to prevent them; and the consequences of breaching these controls. This information must also be included in induction for new school staff and governors.”*
- 8.3 Accordingly, the Governing Body and Headteacher will:-
- take overall responsibility for the maintenance and operation of this Policy and Strategy document
  - promote awareness of the principles and practices it contains

- ensure that effective systems of internal control are maintained
- ensure that fraud risks are periodically assessed and control actions taken where necessary
- maintain records of financial malpractice, including concerns and allegations received, matters arising from audits, investigations and evidence and the outcomes;
- report any suspected concerns as necessary to the Council.

St Luke's C of E Primary  
July 2024

DRAFT